

represents approximately 46 percent of the total projected anthropogenic VOC emissions and approximately 57% of the total projected NO_x emissions. The State also modeled smaller across-the-board reductions in the projected VOC and NO_x point source emissions of 25%, 50%, and 75% separately and then combined in order to more accurately characterize near-term VOC and NO_x control scenarios.

As explained in the EPA's section 182(f) guidance, the EPA believes it is appropriate to focus this analysis on the areawide maximum 1-hour predicted ozone concentration, since this value is critical for the attainment demonstration. For all three episodes, the controlling day showed that the domain-wide predicted maximum ozone concentrations are lowest when only VOC reductions are modeled. In contrast, further NO_x reductions increase the domain-wide maximum ozone concentrations. Please refer to the EPA's Technical Support Document for more detailed information.

The EPA believes that all NO_x exemptions that are approved should be approved only on a contingent basis. As described in the EPA's NO_x Supplement to the General Preamble (57 FR 55628, November 25, 1992), the EPA would rescind a NO_x exemption in cases where NO_x reductions were later found to be beneficial in the area's attainment plan. That is, a modeling based exemption would last for only as long as the area's modeling continued to demonstrate attainment without the additional NO_x reductions.

If the EPA later determines that additional NO_x reductions from transportation sources are beneficial based on new photochemical grid modeling in an area initially exempted, the area would be removed from exempt status and would be required to implement the NO_x provisions of the transportation conformity rule except to the extent that modeling shows NO_x reductions to be "excess reductions."

In summary, the UAM modeling results for the Baton Rouge nonattainment area indicate that additional NO_x reductions as well as NSR control of any NO_x increases related to expected growth would not contribute to attainment of the ozone standard by 1999. The EPA therefore proposes to approve the transportation conformity NO_x exemption for the Baton Rouge area. This exemption will remain effective for only as long as modeling continues to show that NO_x control of transportation sources would not contribute to attainment in the Baton Rouge nonattainment area.

Proposed Rulemaking Action and Solicitation of Comments

Based on the State's SIP revision request and associated documentation, the EPA proposes to approve Louisiana's request for an exemption from the transportation conformity NO_x requirements.

Public comments are solicited on the requested SIP revision and on EPA's proposed rulemaking action. Comments received by November 6, 1995, will be considered in the development of the EPA's final rule.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting, allowing, or establishing a precedent for any future request for revision to any SIP. The EPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, the EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This approval does not create any new requirements. Therefore, I certify that this action does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids the EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (1976).

Under section 202 of the Unfunded Mandates Reform Act of 1995, ("Unfunded Mandates Act"), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed

or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule. The EPA has determined that this action does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

This Federal action will relieve requirements otherwise imposed under the Act, and hence does not impose any Federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act. Accordingly, no additional costs to State, local, or tribal governments, or the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Conformity, Intergovernmental relations, Oxides of nitrogen, Ozone, Transportation conformity.

Authority: 42 U.S.C. 7401-7671q.

Dated: September 29, 1995.

Samuel Coleman,

Acting Regional Administrator.

[FR Doc. 95-24939 Filed 10-5-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[FRL-5309-6]

Clean Air Act Promulgation of Extension of Attainment Date for PM-10 Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to grant a 1-year attainment date extension for the Denver, Colorado particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10) nonattainment area. This proposed action is based on monitored air quality data for the national ambient air quality standard for PM-10 during the years 1992-94 and EPA's evaluation of the applicable state implementation plan (SIP).

In the Final Rules Section of the Federal Register, EPA is granting the State's extension request, as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by November 6, 1995.

ADDRESSES: All written comments should be addressed to: Douglas M. Skie, Chief, Air Programs Branch, EPA Region VIII, at the address listed below. Information supporting this action can be found at the following location: EPA Region VIII, Air Programs Branch, 999 18th Street, Denver, Colorado 80202-2466; and Colorado Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530. The information may be inspected between 8 a.m. and 4 p.m., on weekdays, except for legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Callie Videtich, Air Programs Branch, EPA Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2405, (303) 293-1754.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the Rules Section of this Federal Register.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: September 25, 1995.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 95-24509 Filed 10-5-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[LA-14-1-5941; FRL-5310-1]

Clean Air Act Approval and Promulgation of New Source Review; Implementation Plan Addressing New Source Review in Nonattainment Areas; Louisiana; Approval and Promulgation of Air Quality Implementation Plans; Louisiana Administrative Code (LAC), Title 33, Environmental Quality, Part III. Air, Chapter 5. Permit Procedures, Section 504. Nonattainment New Source Review (NSR) Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes approval of the State Implementation Plan (SIP) revision, submitted by the State of Louisiana for the purpose of meeting requirements of the Clean Air Act (Act or CAA), as amended in 1990, with regard to NSR in areas that have not attained the national ambient air quality standards (NAAQS).

DATES: Comments on this proposed action must be received in writing on or before November 6, 1995.

ADDRESSEES: Written copies on this action should be addressed to Ms. Jole C. Luehrs, Chief, Air Permits Section, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. U.S. Environmental Protection Agency, Region 6, Multimedia Planning and Permitting Division (6PD), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733

Louisiana Department of Environmental Quality, H. B. Garlock Building, 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810.

FOR FURTHER INFORMATION CONTACT: Mr. Richard A. Barrett, Air Permits Section (6PD-R), Multimedia Planning and Permitting Division, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7227, facsimile (214) 665-2164.

SUPPLEMENTARY INFORMATION:

I. Background

The air quality planning requirements for nonattainment new source review are set out in part D of Title I of the CAA, as amended in 1990. The EPA has issued a "General Preamble" describing

the EPA's preliminary views on how the EPA intends to review SIPs and SIP revisions submitted under part D; including those State submittals containing nonattainment area NSR SIP requirements [see 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)]. Because the EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of part D advanced in this proposal and the supporting rationale. The EPA is currently developing a proposed rule to implement the changes under the 1990 Amendments in the NSR provisions in parts C and D of Title I of the Act. The EPA anticipates that the proposed rule will be published for public comment in 1995. If the EPA has not taken final action on States' NSR submittals by that time, the EPA will refer to the proposed rule as the most authoritative guidance available regarding the approvability of the submittals. The EPA expects to take final action to promulgate a final rule to implement the parts C and D changes sometime during 1996. Upon promulgation of those regulations, the EPA will review those NSR SIP submittals, on which it has taken final action, to determine whether additional SIP revisions are necessary.

Prior to EPA approval of a State's NSR SIP submission, the State may continue permitting only in accordance with the new statutory requirements for permit applications completed after the relevant SIP submittal date. This policy was explained in transition guidance memoranda from John Seitz dated March 11, 1991, "New Source Review (NSR) Program Transitional Guidance", and September 3, 1992, "New Source Review (NSR) Program Supplemental Transitional Guidance on Applicability of New Part D NSR Permit Requirements".

As explained in the memorandum of March 11, 1991, the EPA does not believe Congress intended to mandate the more stringent Title I NSR requirements during the time provided for SIP development. States were thus allowed to continue to permit consistent with requirements in their current NSR SIPs during that period, or apply 40 CFR part 51, Appendix S for newly designated areas that did not previously have NSR SIP requirements.

The September 3, 1992, memorandum also addressed the situation where States did not submit the part D NSR SIP requirements or revisions by the applicable statutory deadline. For permit applications complete by the SIP submittal deadline, States may issue final permits under the prior NSR rules,